

William J. Arnone, Jr., Esq., SBN 87803
MERRILL, ARNONE & JONES, LLP
3554 Round Barn Boulevard, Suite 303
Santa Rosa, California 95403
Telephone: (707) 528-2882
Facsimile: (707) 528-6015
barnone@majlaw.com

Attorneys for Plaintiff
ROCINANTE WINES & VINEYARDS, LLC

**UNITED STATES DISTRICT COURT,
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

ROCINANTE WINES & VINEYARDS,
LLC

CASE NO. C 06 4531 SI

Plaintiff,

vs.

**STIPULATION AND ORDER OF
DISMISSAL WITH PREJUDICE
[Fed.R.Civ.P. 41(a)(1)(ii)]**

SUBIO WINES, INC.,
JOSEPH WAGNER,
STAN MONTEE,
ROGER de LUSIGNAN, and
DOES 1 through 25, inclusive,

Defendants.

Plaintiff Rocinante Wines & Vineyards, LLC, and defendants Subio Wines, Inc.,
Joseph Wagner, Stan Montee and Roger de Lusignan (the “parties”), stipulate, through
their undersigned counsel, as follows:

WHEREAS the parties have agreed upon a settlement of this action, the terms of
which have been memorialized in a Mutual Compromise and Release Agreement
(hereinafter, “Agreement”), a copy of which is attached hereto as Exhibit A and
incorporated herein by this reference; and

WHEREAS, one of the terms of the Agreement is that this action is to be
dismissed with prejudice, with each party to bear its own costs and attorneys' fees; and

1 WHEREAS, a further term of said Agreement is that the parties agree to remain
2 subject to the jurisdiction of this Court for the purpose of any proceedings to enforce the
3 terms of the Agreement;

4 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED
5 BETWEEN THE PARTIES TO THIS ACTION AS FOLLOWS:

6 1. This action is hereby dismissed with prejudice, with each party to bear its
7 own costs and attorneys' fees.

8 2. The parties shall comply with the terms and conditions of the Agreement.

9 3. The parties agree that this Court shall retain personal jurisdiction over each
10 of them for the purpose of adjudicating any action to enforce the Agreement.

11 Dated: August __, 2006

MERRILL, ARNONE & JONES, LLP

13 By: _____

14 William J. Arnone, Jr.
15 Attorneys for Plaintiff
16 Rocinante Wines & Vineyards, LLC

17 Dated: August __, 2006

HOLLAND & KNIGHT, LLP

19 By: _____

20 Charles Coleman
21 Attorneys for Defendants
22 Subio Wines, Inc, Joseph Wagner,
23 Stan Montee and Roger de Lusignan

24 **IT IS SO ORDERED.**

25 Dated: _____

26 SUSAN ILLSTON
27 UNITED STATES DISTRICT JUDGE
28